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PPG ARCHITECTURAL FINISHES, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WALLEN LAWSON,

Plaintiff,

v.

PPG ARCHITECTURAL FINISHES,  
INC.,

Defendant.

Case No. 8:18-CV-00705AG-JPR

**DEFENDANT PPG  
ARCHITECTURAL FINISHES,  
INC.'S NOTICE OF MOTION AND  
MOTION FOR SUMMARY  
JUDGMENT OR, IN THE  
ALTERNATIVE, PARTIAL  
SUMMARY JUDGMENT**

Judge: Hon. Andrew J. Guilford  
Hearing Date: June 10, 2019  
Time: 10:00 a.m.  
Courtroom: 10D

Pretrial Conference: July 8, 2019  
Trial Date: July 23, 2019

1                   **TO THE HONORABLE COURT, PLAINTIFF WALLEN**  
2                   **LAWSON, AND HIS ATTORNEYS OF RECORD:**

3                   **PLEASE TAKE NOTICE THAT** on June 10, 2019, at 10:00 a.m., or as  
4 soon thereafter as counsel may be heard in Courtroom 10D of the above-entitled Court  
5 located at 411 West 4<sup>th</sup> Street, Room 1053, Santa Ana, California 92701-4516, the  
6 Honorable Andrew J. Guilford presiding, Defendant PPG Architectural Finishes, Inc.  
7 (“Defendant”) will, and hereby does, move for summary judgment as to Plaintiff Wallen  
8 Lawson’s (“Plaintiff”) entire Second Amended Complaint or, in the alternative, partial  
9 summary judgment on specific claims and issues asserted by Plaintiff pursuant to  
10 Federal Rule of Civil Procedure Rule 56 in Defendant’s favor and against Plaintiff.

11                   Defendant’s Motion for Summary Judgment or, In the Alternative, Partial  
12 Summary Judgment (“Motion”) is made on the grounds there is no genuine issue as to  
13 any material fact and that Defendant is entitled to judgment as a matter of law, including  
14 specifically that the following issues are without substantial controversy:

15                   1.       Plaintiff’s First Cause of Action for retaliation in violation of public policy  
16 fails as a matter of law because Plaintiff cannot establish a *prima facie* case of  
17 retaliation.

18                   2.       Plaintiff’s First Cause of Action for retaliation in violation of public policy  
19 fails as a matter of law because PPG terminated him for a legitimate business reason,  
20 which Plaintiff cannot prove was pretextual.

21                   3.       Plaintiff’s Second Cause of Action for wrongful termination in violation  
22 of public policy fails as a matter of law because he cannot establish a *prima facie* case  
23 of retaliation.

24                   4.       Plaintiff’s Second Cause of Action for wrongful termination in violation  
25 of public policy fails as a matter of law because PPG terminated Plaintiff for a legitimate  
26 business reason, which Plaintiff cannot prove was pretextual.

27                   5.       Plaintiff’s Third Cause of action for unpaid wages fails because Plaintiff  
28 admitted he did not comply with PPG’s requirement to record all time worked, and

1 cannot show that PPG had knowledge of his alleged unworked time.

2 6. Plaintiff's Fourth Cause of Action for unpaid wages fails because Plaintiff  
3 admitted he did not comply with PPG's requirement to record all time worked, and  
4 cannot show that PPG had knowledge of his alleged unworked time.

5 7. Plaintiff's Fifth Cause of Action for failure to reimburse business expenses  
6 fails because Plaintiff did not incur any necessary expenditures or losses in direct  
7 consequence of the discharge of his duties.

8 8. Plaintiff's Sixth Cause of Action for Violation of California Business &  
9 Professions Code § 17200 *et seq.* fails because it is entirely derivative of Plaintiff's  
10 claim for unpaid wages and business expenses and those underlying claims fail.

11 9. Plaintiff is not entitled to punitive damages as a matter of law.

12 This Motion is made following the conference of counsel pursuant to L.R.  
13 7-3 which took place on May 3, 2019. *See* Declaration of Karin M. Cogbill, ¶ 11, filed  
14 concurrently herewith.

15 Defendant's Motion is based upon this Notice of Motion and Motion; the  
16 accompanying Memorandum of Points and Authorities filed in support of this Motion;  
17 Defendant's Statement of Uncontroverted Facts and Conclusions of Law; the  
18 Declaration of Karin M. Cogbill, the Declaration of David Duffy, the Declaration of  
19 Clarence Moore, and all exhibits attached thereto; as well as the pleadings, records, and  
20 files in this case, and upon such further oral and documentary evidence that may be  
21 presented at or before the hearing on this matter.

22 Dated: May 13, 2019

23  
24 /s/ Karin M. Cogbill  
25 KARIN M. COGBILL  
26 LITTLER MENDELSON, P.C.  
27 Attorneys for Defendant  
28 PPG ARCHITECTURAL FINISHES,  
INC.

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